IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE FIFTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE DR JUSTICE G.YETHIRAJULU

WRIT PETITION NO : 17908 of 2004

Between:

Rachamala Satyanarayana S/o Venkaiah
R/o H. No. 10-2-57/1, Ramnagar, Karimnagar, Karimnagar District

... PETITIONER

AND

1 The General Manager, the Karimnagar District Co-operative Central Bank Ltd.,

Karimnagar, Karimnagar District
2 The Deputy Registrar of Co-operative Societies, Karimnagar Division, Karimnagar

District
3 The Sub Divisional Co-operative Officer, the Karimnagar District Cooperative Central Bank Ltd., Karimnagar, Karimnagar District
4 The Chairman, the Karimnagar District Co-operative Central Bank Ltd., Karimnagar,

Karimnagar District
5 The Divisional Co-operativeOfficer, the Karimnagar Central Bank Ltd., Karimnagar,

Karimnagar District
6 The Chair Person, Primary Agricultural Society Ltd., (PACS) Shanigaram, Koheda

Mandal, Karimnagar District

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to

issue a Writ or order or direction particularly in the nature of Writ of Mandamus by declaring the action of the respondents in suspending the petitioner without following mandatory provision Under Sec. 59of the act, in issuing charge memo against the petitioner conducting the enquiries without paying subsistence allowance to the petitioner and conducting enquiry under Section 51 is illegal, arbitrary, unjust unfair and in violation of provision contemplated under Section 51 and Section 59 of the APCS Act and in violation of privileges provided under the Constitution of India and in violation of principles of natural Justice by set a siding the suspension order dated 18-9-2003 including by set a siding all the proceedings initiated against the petitioner in furtherance of the suspension order dated 18-9-2003 in R.C. No. 1 of 2003 including show cause notice dated 13-7-2004 and consequently direct the respondents to reinstate the petitioner into the services with all benefits

Counsel for the Petitioner: MR.P.MEHAR SRINIVASA RAO

Counsel for the Respondent No.2: GP FOR COOPERATION

Counsel for the Respondents 1,3,4,5 & 6: MR. P.M. GOPAL RAO SC FOR COOPERATIVE SOCIETIES

The Court made the following order:

ORDER:

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The petitioner worked as a Secretary in the 6th respondent Cooperative Society. He was placed under suspension on 18.09.2003 alleging that he misappropriated Rs.2,43,619/- and simultaneously a disciplinary action was also initiated against him. The enquiry made considerable progress and after receipt of the report the matter is under consideration with the Disciplinary Authority for passing final order. At this stage the petitioner approached this Court through this writ petition praying to declare the action of the respondents in suspending him without following the mandatory provisions under Section 59 of the Andhra Pradesh Cooperative Societies Act, 1964 (for short 'the Act') as illegal, arbitrary, unjust and violative of the provisions of the Act.

Section 59 of the Act does not contemplate any enquiry before keeping the delinquent under suspension. Since the disciplinary proceedings are at the final stage and as the petitioner approached this Court at a belated stage it is not desirable to go into the merits of the matter at this stage by invoking extraordinary jurisdiction of this Court under Article 226 of the Constitution of India. The petitioner is at liberty to approach the concerned authority if he is aggrieved by the final order

that is going to be passed by the concerned authority.

The learned counsel for the petitioner represented that though petitioner was kept under suspension on 18.09.2003 he was not paid any subsistence allowance. If it is a fact, it is the responsibility of the 6th respondent society to arrange payment of the subsistence allowance for the entire period of suspension as on this date.

In the light of the above circumstances, the writ petition is dismissed as not maintainable at this stage with a direction to the 6th respondent society to arrange payment of subsistence allowance for the entire period of suspension to the petitioner till this date within four week from the date of receipt of this order and continue to pay the subsistence allowance till the final order is passed in the matter.

The writ petition is accordingly dismissed. No order as to costs.

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Dr. G. YETHIRAJULU, J

October 5, 2004

Dsk

To

1 The Deputy Registrar of Co-operative Societies, Karimnagar Division, Karimnagar

District

2 Two CCs to GP For Cooperation, High Court Buildings, Hyderabad (OUT).

3 Two CD copies.